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**AMBASSADE DE FRANCE
AUX ETATS-UNIS**

DEPARTMENT OF TRANSPORTATION

**French Embassy
Transportation Counselor
4101 Reservoir Road N.W.
Washington, D.C. 20007-2179
Tel : (202) 944 6095 - Fax : (202) 9446058**

99 MAR 15 PM 2:16

DOCKET SECTION

Ref: 58/CT/99

March 15, 1999

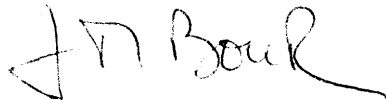
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U.S. Department of Transportation Dockets
Docket Number FAA-I 998-4758-19
400 Seventh Street S.W.
Room Plaza 401
Washington, D.C. 20590

Dear Sirs:

Please find attached the text of the comments submitted by Philippe Gufflet, National Civil Aviation Security Advisor (Direction Générale de l'Aviation Civile) on behalf of the French Government, at the public meeting on Part 129 : Security Programs of Foreign Air Carriers, on February 24, 1999.

Sincerely yours,

Jean-Michel Bour
Transportation Counselor



Encl:

Washington, February, 24, 1999

Comments on NPRM related to the Security Programs of Foreign Air Carriers

Submitted by Philippe Gufflet
Head of Aviation Security Policy
French Directorate of Civil Aviation

It is for me a great honor and a pleasure to speak to day on behalf of the French Government and to draw the attention of the FAA on some comments and observations on the proposed regulation.

We thank the FAA for the organization of this meeting, which we think, is of the foremost importance.

We hope that our comments will be fully taken into consideration and will help the FAA in finding an efficient, satisfactory and non-controversial solution to counter the real threat of terrorism. These comments are delivered in a spirit of sincere and fruitful cooperation and focused on five main concerns.

1- It is a common principle in aviation security that the level of security measures has to be suited with the threat assessment. Some statements in the NPRM are not in line with this principle. For example :

- ① The proposed Rule states that «*The implication of the Act is that the terrorist threat to US interests relates not only to US carriers but also to air carriers of any nationality engaged in commerce with the United States*». This has historically been proved wrong, for example when referring to the 1995 situation when **Ramsi** Yousef was supposed to target US carriers in the region of the Philippines Island.
- ② Furthermore FAA intends to define two different regimes of security. Regime A, which would apply to **ALENA's** region, South-east Asia, Japan, Australia and New Zealand is much less constraining than Regime B that would apply in particular to Europe, irrespective of threat and manifestly incoherent with the real threat situation.
- ③ Lastly the proposed Rule would apply only to foreign airports from which US carriers operate. It would not apply to foreign routes served by foreign air carriers only.

These examples show that the modification of the Act is undertaken for commercial reasons rather than Aviation Security concerns.

2- Implementation of Security measures identical to those required from US carriers by FAA would induce utilization of additional space in terminal buildings solely in application of these measures. Profiling of all passengers leads to a less efficient sharing of checking counters, thus limiting the number of aircraft being processed simultaneously. It may therefore have a negative effect on the

HATCH



number of slots allocated. This create indirect costs which have not been considered in the economical study done by FAA.

The cost incidence due to a less efficient use of terminal space and counters, and the increase in average time required to process a flight have been estimated for both Orly and CDG airports :

- Passenger traffic loss of 1.38 Million in one year,
- Loss of slots estimated to 7,660 (arrival and departure).

Both effects will create a loss of revenue to the airport operators, and airlines.

Furthermore, the hub and spokes operation of the National air carrier will be affected by the increased transfer time which will impact on the flight programme, thus leading to either the modification of flight schedule or the loss of many possible connections and consequently a significant loss of revenue.

These losses will affect all airlines operating between France and the USA and particularly US air carriers which are transporting about half of the passengers between both countries.

- 3- The French Ministry of Transport will comply with ECAC recommendation for 100% Hold Baggage Screening (HBS) before 1st January 2003. The Hold Baggage Screening will be realized with advanced technology equipment shared by all airlines on our airports, thus making a more efficient and economic way of implementing security measures. Furthermore, this measure when applied in all ECAC member States will allow the application of the «**one stop security**») concept which is considered as an essential feature to reduce the connecting time. The consequence of the amendment - which requires that measures be implemented at the last point of departure - will definitely hamper this concept and have again a negative impact on the traffic fluidity and occupation of space in terminal building.
- 4- Part of profiling and passenger selection procedures, as required by FAA regulation, could conflict with National constitution and law and therefore might not be applicable.
- 5- The relations between FAA and the French DGAC in the field of Aviation Security, have in the past constantly been based on the spirit of cooperation which is required in accordance with standard 3.2.2. of ICAO annex 17. Such cooperation has proved effective. The intention of imposing measures unilaterally, irrespective of the sovereignty of each State with regard to threat assessment, as stated in standard 3.1.5. of ICAO annex 17, will endanger this spirit of cooperation which prevailed until now.

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Subject: Docket FAA-1998-4758
Date: Fri, 26 Feb 1999 11:09:11 -0500
From: Jean-Michel Bour <jmbour@amb-wash.fr>
To: 9-NPRM-CMTS@FAA.GOV

Please find attached the text of the comments submitted by Philippe Gufflet on behalf of the French Government, at the public meeting on Part 129 : Security Programs of Foreign Air Carriers, on February, 24, 1998.

Jean Michel Bour
Transportation counsellor
Embassy of France
4101 reservoir Road, NW
Washington, DC, 20007